

This chapter is designed to provide guidelines for the processing of discrimination complaints filed against the department with administrative enforcement agencies, such as the Equal Employment Opportunity Commission (EEOC) and the Washington State Human Rights Commission (HRC) or any other outside agency charged with the responsibility for investigating allegations of civil rights violations.

Any department employee or individual who believes that they have been discriminated against on the basis of national origin, race, color, creed, religion, age, sex, marital status, sexual orientation, disability, status as a disabled or Vietnam-era veteran, or who has been retaliated against for participation in the investigation into allegations of discrimination may file a complaint with the EEOC or HRC. Complaints filed with the EEOC must be filed within 300 days of the alleged discriminatory incident. Complaints filed with the HRC must be filed within 180 days of the alleged discriminatory incident. Whistle-blowers may file retaliation complaints with the HRC.

The department is committed to resolving EEOC/HRC complaints in a timely and professional manner. The individuals representing the department will maintain professionalism and fully cooperate with the EEOC/HRC personnel at all times. Any manager or supervisor who receives an EEOC/HRC complaint directly must contact the Office of Equal Opportunity, Internal Civil Rights Branch (ICRB) in order to prepare a timely response.

Procedures

<i>Action By</i>	<i>Action</i>
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Diversity Program Administrator (DPA)	
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| | <ol style="list-style-type: none">1. Receives written complaint from EEOC/HRC.2. Analyzes complaint to determine jurisdiction.3. Notifies appropriate appointing authority that a complaint filed at an outside enforcement agency has been received.4. With the appointing authority, determines if mediation is a feasible option to pursue for an early resolution.<ol style="list-style-type: none">a. If yes, notify EEOC/HRC of the department's desire to enter into mediation to resolve the issues.b. If no, assigns investigator to case for action. |
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Secretary Administrative

5. Receives written complaint, stamps date, logs receipt, prepares case file.
6. Provides copy of complaint to assigned investigator.

Human Resource Consultant

7. Contact the appropriate human resource officer to coordinate the department's response.
8. Schedule interview with respondent within 15 days of receipt of complaint.
9. Review complaint with respondent. Obtain respondent's input as to the department's position.
10. Obtain documentation (if any) supporting department's response.
11. Interview additional witnesses, if necessary, to confirm department's response.
12. Prepare department's response for review and approval of DPA and appointing authority.
13. If investigator believes probable cause will be determined:
 - a. Notify DPA, Risk Manager, and appointing authority of reasons for probable cause. Recommend mediation be requested.
 - b. Contact EEOC/HRC to arrange for mediation. Ensure appointing authority and DPA attend. If settlement may include compensation, ensure the Risk Manager attends.
14. If investigator believes no probable cause will be determined transmit department's response to EEOC/HRC.
15. After EEOC/HRC assigns an investigator, act as department liaison to coordinate investigation.
16. Attend all interviews involving department managers and supervisors.
17. Provide EEOC/HRC with all requested documentation.
18. If notified by EEOC/HRC that the investigator is going to issue a probable cause finding, request time to discuss with department management and arrange for a pre-finding settlement offer.
19. Coordinate settlement efforts with Risk Manager and EEOC/HRC.

Diversity Program Administrator

20. Reviews and approves/modifies recommendations from Administrator investigator.
21. Provides input to the department Employee Relations Manager as to case facts and settlement recommendations.

Human Resource Consultant

22. Finalizes complaint file. Ensures all required documentation is in place.
23. Notifies appointing authority of final outcome of complaint. Provides copies of EEOC/HRC documentation as required.
24. Closes case file and returns to Secretary Administrative for archiving.

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